

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 1:19-cv-079
§
114.14 ACRES OF LAND, MORE OR LESS, §
§
SITUATE IN CAMERON COUNTY, §
§
STATE OF TEXAS; AND WANDA §
§
HOLLON, *et al.*, §
§
Defendants. §

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property is set forth in Schedule "E."
7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."
8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."
9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

s/ Baltazar Salazar
BALTAZAR SALAZAR
Assistant United States Attorney
Attorney-in-Charge
S.D. Tex. ID No. 3135288
Texas Bar No. 24106385
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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds which shall be used for the taking.

SCHEDULE

B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE

C

SCHEDULE C

LEGAL DESCRIPTION

Cameron County, Texas

Tract: RGV-BRP-6100

Owner: Wanda Hollon, *et al.*

Acres: 114.14

As identified in the Executrix Special Warranty Deed, Document # 0061820, Book OR, Volume 9598, Page 146, recorded November 12, 2003 in the Deed Records of Cameron County:

BEING 114.14 Acres of land out of a certain 305.24 acre tract (Cameron County Deed Records Volume 894, Page 755) and a 140.00 Acre Tract and out of Shares 2, 3, and 11 of the Espiritu Santo Grant in Cameron County, Texas, and said 114.14 Acres being more particularly described as follows:

BEGINNING at a point on the approximate centerline of the IBWC Levee which is South 6° 30' West, 2,452.28 feet; South 18° 43' West, 1,504.50 feet; South 28° 00' 36" West, 350.00 feet and South 19° 35' 54" West, 135.00 feet from the intersection of the South Line of U.S. "281" (Military Road) and the division line of the Rusteberg Properties and the Original Andres Cueto Lands;

THENCE South 19° 35' 54" West, 203.70 feet to a point for a corner of this tract;

THENCE South 37° 08' 24" West, 330.77 feet to a point on the High Bank of the Rio Grande River for a corner of this tract;

THENCE along the High Bank of the Rio Grande as follows:

North 18° 59' 03" West, 368.39 feet;
North 45° 00' 00" West, 430.29 feet;
North 82° 14' 12" West, 444.07 feet;
South 83° 46' 20" West, 1,106.55 feet;
South 83° 19' 30" West, 1,892.83 feet;
North 59° 02' 08" West, 349.86 feet;
North 08° 53' 36" West, 202.86 feet;
North 20° 26' 24" East, 551.91 feet;
North 42° 02' 58" East, 1,700.00 feet; and
North 37° 52' 32" East, 43.71 feet to a point for the Northernmost corner of this tract.

THENCE South 54° 18' 36" East, 459.18 feet to a point on the approximate centerline of the IBWC Levee for a corner of this tract;

THENCE along the approximate centerline of the IBWC Levee as follows:

South 06° 34' 24" West, 41.51 feet;
South 10° 04' 36" East, 47.25 feet;
South 19° 58' 36" East, 548.86 feet;
South 36° 18' 36" East, 111.23 feet;
South 54° 12' 36" East, 127.66 feet;
South 73° 54' 36" East, 121.24 feet;
North 86° 39' 24" East, 1,262.22 feet;
South 82° 55' 36" East, 192.05 feet;
South 65° 29' 36" East, 183.20 feet;
South 45° 56' 36" East, 194.80 feet;
South 31° 48' 36" East, 79.70 feet; and
South 28° 00' 36" East, 925.50 feet to the place of beginning;

CONTAINING 114.14 acres of land, more or less, inclusive of all easements through the tract;

Such 114.14 acres of land being the same tract described in a certain Warranty Deed dated October 5, 1982, from Tenneco Realty, Inc. to James B. Hollon and Robert R. Mathers, of record of Volume 1294, Pages 451-455, of the Deed Records of Cameron County. Such 114.14 acres of land being the same tract described in a certain Warranty Deed dated October 5, 1982, from Tenneco Realty, Inc. to James B. Hollon and Robert R. Mathers, of record at Volume 1294, Pages 451-455, of the Deed Records of Cameron County, Texas.

SCHEDULE

D

SCHEDULE D

MAP or PLAT

order Infrastructure Project- BRP-6100s



LAND TO BE CONDEMNED

Tract: RGV-BRP-6100
Owner: Wanda Hollon, *et al.*
Acreage: 114.14

* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above.

SCHEDULE

E

SCHEDULE E

ESTATE TAKEN

Cameron County, Texas

Tract: RGV-BRP-6100

Owner: Wanda Hollon, *et al.*

Acres: 114.14

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule E to constitute actual damages, if any.

SCHEDULE

G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Wanda Hollon [REDACTED] Brownsville, TX 78520	Executrix Special Warranty Deed, Document # 00061820, Book OR, Volume 9598, Pages 146-148, recorded November 12, 2003 in the Deed Records of Cameron County
Robert R. Mathers [REDACTED] Brownsville, TX 78526-9750	Warranty Deed, Document #28993, Book DR, Volume 1294, Pages 451-456 recorded October 11, 1982 in the Deed Records of Cameron County

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

114.14 ACRES OF LAND, MORE OR LESS, SITUATE IN CAMERON COUNTY, STATE OF TEXAS; AND WANDA HOLLON, et al.

County of Residence of First Listed Defendant CAMERON
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Baltazar Salazar, United States of Attorney Office, SDTX, 1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501Attorneys (If Known)
C. Frank Wood, Sanchez, Whittington & Wood, LLC, 3505 Boca Chica Blvd., Ste. 100, Brownsville, TX 78521 (956) 546-3731

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Fraud	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 391 Truth in Lending	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 392 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 393 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 394 Other	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 442 Employment	SOCIAL SECURITY	<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
		<input type="checkbox"/> 448 Education	<input type="checkbox"/> 864 SSDI Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1338

VI. CAUSE OF ACTION

Brief description of cause:
Land Condemnation proceeding for Right of Entry (ROE) to Survey and Conduct Testing

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION DEMAND \$ CHECK YES only if demanded in complaint:
UNDER RULE 23, F.R.Cv.P. JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

05/21/2019

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD



RECEIPT #

AMOUNT _____

APPLYING IFFP _____

JUDGE _____

MAG. JUDGE _____